

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
EUGENE DIVISION

SHAWNA JOHNSON,
Plaintiff,

Case No. 6:19-cv-00246-AA
OPINION & ORDER

vs.

JOHNSON MARK, LLC,
Defendant.


AIKEN, District Judge:

On March 28, 2019 this Court issued an Order (doc. 8) granting plaintiff's Motion for Entry of Default (doc. 6), and the clerk entered default as to defendant Johnson Mark, LLC (doc. 9). Now, defendant has filed a Motion to Set Aside the Order for Default (doc. 11). "[J]udgment by default is a drastic step appropriate only in extreme circumstances; a case should, whenever possible, be decided on the merits." *Falk v. Allen*, 739 F.2d 461, 463 (9th Cir. 1984). A district court may set aside an entry of default for "good cause." Fed. R. Civ. P. 55(c). The good cause analysis considers three factors: "(1) whether the party seeking to set aside the

default engaged in culpable conduct that led to the default; (2) whether it had no meritorious defense; or (3) whether reopening the default judgment would prejudice the other party.” *United States v. Signed Pers. Check No. 730 of Yubran S. Mesle*, 615 F.3d 1085, 1091 (9th Cir. 2010) (alterations normalized). The Court has considered these factors and finds that good cause exists to set aside the entry of default. Accordingly, defendant’s Motion to set Aside the Order for Default (doc. 11) is GRANTED.

IT IS SO ORDERED

Dated this 6th day of June 2019.



Ann Aiken
United States District Judge